

## ARGUMENT

In the Examiner's Action dated September 22, 2008, the Examiner notes that Applicant's arguments filed June 4, 2008, have been fully considered but are not considered persuasive. In analyzing Applicant's arguments the Examiner notes a belief that Applicant has argued that "the suppliers are identified prior to negotiating a final price" but asserts a belief that the claim language does not include that limitation. The Examiner's basis for this opinion is the use of the transitory word "comprising" which the Examiner believes leaves the claim open to other steps and steps occurring in any order. Thus, the Examiner believes that there is no indication in the claim, as written, that the suppliers are identified, prior to a final price being negotiated, just that the successful suppliers are identified, as is taught by *Scott et al.*

Applicant would like to first respectfully point out to the Examiner that *Scott et al.* fails to show or suggest a specifying "an identity of all of said limited number of possible suppliers..." (emphasis added) as expressly set forth within applicant's claims. *Scott et al.*, as indicated at paragraph 109, on pages 13 and 14 specifically note that an existing supplier may be notified regarding a new supplier "including information regarding the new supplier's winning bid..." indicating that selective existing suppliers may be notified of the existence, and presumably the identity, of new suppliers only after that new supplier has submitted a winning bid. Applicant urges that this cannot be said to show or suggest specifying to each of a limited number of possible suppliers (including suppliers who have not previously supplied the assembly component) an identity of all of the limited number of possible suppliers..." as expressly set forth within the Applicant's claims (emphasis added).

Further, Applicant urges the Examiner to consider that the language of Applicant's claims, as expressly recited within those claims, requires the specifying "to each of said limited number of possible suppliers and identity of all of said limited number of possible suppliers ..." (emphasis added) thereby clearly indicating that a designated supplier has not yet been chosen.

While it is true as noted by the Examiner that the transitory word "comprising" does leave the claim open to various interpretations with regard to additional steps and the order of the

steps the characterization of the data provided to each of the number of possible suppliers as “an identity of all of said limited number of possible suppliers” clearly carries with it the undeniable interpretation that a designated supplier has not yet been chosen.

In summary, the teaching by *Scott et al.* that only information regarding a new supplier’s successful winning bid is provided to previous existing suppliers is clearly contrary to the teaching set forth within the present claims in that the identity of “all of said limited number of possible suppliers” is provided while each of those suppliers is still designated as a “possible” supplier and clearly not after a supplier has been chosen and become a “designated supplier”.

Applicant urges that the Examiner’s interpretation of these claims, while imaginative, is contrary to the clear meaning of the words chosen by the Applicant and the interpretation asserted by the Examiner does clear violence to the meaning of those words.

Based upon the foregoing Applicant respectfully urges that the Examiner withdraw the rejection of claims 1-8 and pass this application to Issue.

## CONCLUSION

No additional fee is believed to be required to submit this response; however, in the event such a fee is required please charge that fee to **DILLON & YUDELL DEPOSIT ACCOUNT NO. 50-3083**. No extension of time is believed to be required to submit this response. However, in the event any fees are required, that extension of time is hereby requested. Please charge any fee associated with an extension of time as well as any other fee necessary to further the prosecution of this application to **DILLON & YUDELL DEPOSIT ACCOUNT NO. 50-3083**.

Respectfully submitted,



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